

**AMENDMENTS TO THE DRAWINGS:**

The Applicant respectfully presents herewith new Figs. 4-6, which include the desired changes, without markings, and which comply with 37 C.F.R. §1.84. The changes made to Figs. 4-6 are explained in the accompanying remarks section below.

## REMARKS

The Office Action dated April 6, 2006, has been received and carefully noted. The above amendments and the following remarks are submitted as a full and complete response thereto.

By this Amendment, the drawings, Specification, Abstract and claims 1-15 have been amended. No new matter has been added. Support for the amendments to claim 1 can be found in at least Fig. 2 of the application as originally filed. Claims 1-15 are pending and respectfully submitted for consideration.

### Objections to the Drawings

The drawings were objected to under 37 C.F.R. § 1.83(a) as not showing every feature of the invention specified in the claims. Specifically, the features of the wall thickness of the component of the support structure varies, as recited in claim 5; the support structure formed from a plurality of components lying side by side, as recited in claim 7; and the ski body is configured as a sandwich construction, as recited in claim 15 did not appear in the figures.

The Applicant submits herewith new Figs. 4-6 which illustrate the features of the invention recited in claims 5, 7 and 15. In addition to the claims as originally, filed support for Fig. 4 can be found on page 2, lines 15-20 of the Specification; support for Fig. 5 can be found on at least page 2, lines 12-13 of the Specification; and support for Fig. 6 can be found on at least page 4, lines 16-18 of the Specification. Accordingly, the Applicant respectfully submits that the drawings are in compliance with U.S. patent practice and requests withdrawal of the objection to the drawings.

### **Objection to the Specification**

The Specification was objected to for not having section headings. The Applicant submits herewith a Substitute Specification correcting this informality.

The Specification was also objected to for minor informalities. The Applicant has amended the Specification responsive to the objections.

With regard to the objections to lack of disclosure of the features recited in claims 5, 7 and 15, the Applicant respectfully submits new Figs. 4-6 which disclose the relevant features. Fig. 4 shows two separate components 7a, 7b which form the support structure. Fig. 5 shows a component 7c of the support structure having a varying wall thickness. Further, Fig. 6 shows a longitudinal cross-section of the ski body which is configured as a sandwich construction with a plurality of layers 1a, 1b, 1c.

The Applicant respectfully submits that the Specification is in compliance with U.S. patent practice and respectfully requests withdrawal of the objections.

### **Rejection Under 35 U.S.C. § 112**

Claims 1-15 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Applicant has amended claim 1 and page 3, lines 1-5, of the Specification responsive to the rejection and respectfully submits that all claims are in compliance with U.S. patent practice.

### **Rejections Under 35 U.S.C. § 103**

Claims 1, 2, 4-6, 8, 9 and 13-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Restani (EP 1,092,454 A1) in view of Riha (FR 1,254,377). The Office Action took the position that Restani discloses many of the claimed elements of the invention with the exception of a support structure formed from an elongate flat

component that is bent at intervals in alternating directions. Riha was cited for curing this deficiency. With respect to the Restani reference, the Office Action relied on the English language text of U.S. Patent Publication No. 2004/0046362 A1.

Restani discloses “[a] board of this type is characterized in that it includes a plate located in the region of the underfoot zone and capable of being displaced in the direction of the lower assembly through the effect of a pressure exerted by the user's foot and at least one longitudinal rigid arm, housed inside the structure of the board, traversing at least most of the thickness of the core, the end of the arm furthermost from the underfoot zone bearing on the lower face of the core, on the lower assembly of the (sic) board, the end of the arm closest to the underfoot zone bearing under the plate, in the vicinity of the user's feet, so that the forces exerted by the user on the upper surface of the board in the region of the underfoot zone of the board are transmitted directly toward the lower surface of the board via the end of the arm oriented in the direction of the lower assembly of the board.” See paragraph [0023] of U.S. Patent Publication No. 2004/0046362 A1.

Riha discloses an undulating member 11 extending longitudinally in the ski from a front to a rear. A reinforcement 6 is disposed on top of the undulating member 11.

Claim 1, as amended, recites that the support structure has a plurality of openings through which the at least one upper chord element passes in a single arc between its ends from one end of the support structure to an opposite end. As acknowledged in the Office Action, Restani does not disclose or suggest a support structure formed from an elongate flat component that is bent at intervals in alternating directions. Restani further fails to disclose or suggest the additional features for the

support structure as recited in amended claim 1. Riha also does not disclose or suggest a support structure having a plurality of openings through which the at least one upper chord element passes in a single arc between its ends from one end of the support structure to an opposite end. In contrast, the undulating element 11 taught by Riha does not have a plurality of openings through which an upper chord element passes in a single arc between its ends from one end of the support structure to an opposite end. Accordingly, Restani and Riha, either singly or in combination, fail to disclose or suggest the features of the invention as recited in claim 1.

In addition, Restani teaches distributing the forces exerted by the user on the plate 25 located in the region of the underfoot zone of the ski to the lower assembly 10 of the ski board by a number of longitudinal rigid arms 20 to 23 traversing at least most of the thickness of the core of the ski. Riha teaches providing a support structure in the form of an undulated spring for the same purpose, namely to transmit the forces from the upper element 2 to the lower element 1 of the ski. Thus, Restani and Riha provide two different solutions to the same problem. Combining these different solutions to the same problem would create interference, and therefore, would not be considered obvious to one of ordinary skill in the art.

Claims 3, 7, 10 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Restani in view of Riha and further in view of Emig et al. (WO 00/62877, "Emig"). Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Restani in view of Riha and further in view of Mayr (U.S. Patent No. 5,199,734). Claims 3, 7, 10 and 11 depend from claim 1, and claim 12 depends from claim 1.

As discussed above, Restani and Riha fail to disclose or suggest that an upper chord element passes through the support structure in a single arc between its ends from one end of the support structure to an opposite end. Emig and Mayr fail to cure the deficiencies in the combination of Restani and Riha with respect to claim 1 as Emig does not disclose or suggest at least one upper chord element passes in a single arc between its ends from one end of the support structure to an opposite end. See, for example, Fig. 3 of Emig which illustrates a plurality of arcs formed by the upper chord element 14 formed of thrust rods 16. Therefore, the combination of references would not disclose or suggest the features of the invention as recited in claim 1 and therefore, dependent claims 3, 7, 10, 11 and 12.

Under U.S. patent practice, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See M.P.E.P. § 2142.

In view of the above, the Applicant respectfully submits that the cited references fail to support a *prima facie* case of obviousness for purposes of a rejection of claims 1-12 under 35 U.S.C. § 103.

### **Conclusion**

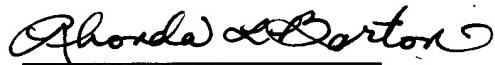
The Applicant respectfully submits that claim 1 is allowable. Claims 2-15 depend from claim 1. The Applicant further submits that each of these claims incorporate the

patentable aspects thereof, and are therefore allowable for at least the same reasons as discussed above. Accordingly, the Applicant respectfully requests withdrawal of the objections and rejections, allowance of claims 1-15 and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing Attorney Dkt. No. 103196-00010**.

Respectfully submitted,

  
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Enclosures: Substitute Specification  
Marked-Up Copy of Original Specification  
Substitute Abstract  
New Drawing Figures 4-6  
Petition for Extension of Time (one-month)

TECH/436859.1